UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

JTH TAX, INC. d/b/a LIBERTY TAX SERVICE,

Plaintiff,

Civil No. 2:07cv170

v.

KENYA WHITAKER AND EASY SOFTWARE SOLUTIONS, LLC.,

Defendants.

MOTION TO STRIKE DEFENDANTS' REQUEST FOR ATTORNEY'S FEES

Now comes the Plaintiff and Counterclaim-Defendant, JTH Tax, Inc. d/b/a Liberty Tax Service ("Liberty"), by counsel, and for its Motion to Strike Defendants' Request for Attorney's Fees, states as follows:

1. The Defendants and Counterclaim-Plaintiffs Kenya Whitaker and Easy Software Solutions, LLC (collectively "Whitaker") filed a Counterclaim against Liberty requesting, among other things, an award of reasonable attorney's fees and expenses incurred by Whitaker in prosecuting this action. *See, Counterclaim, Prayer for Relief*, p. 8, item (e).

2. There is no provision in the franchise agreement between Whitaker and Liberty for either party to recover attorney's fees against the other.

3. Whitaker has cited no statute or other basis upon which she could properly be awarded attorney's fees in this case.

4. The grounds for the Motion are set forth more fully in the accompanying memorandum of law.

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WHEREFORE, in consideration of the foregoing, Liberty respectfully requests that this Court strike Whitaker's request for reasonable attorney's fees.

Respectfully submitted,

JTH Tax, Inc. d/b/a Liberty Tax Service

By: ________________/s/______________________
Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of August 2007, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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